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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MAURICE A. PAPILLION, Sr.,

11 Plaintiff,

CIV S-05-0708 CMK

12 vs.

13 JO ANNE B. BARNHART,
14 Commissioner of Social Security,

ORDER

15 Defendant.
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16 On August 23, 2006, this court filed an order striking plaintiff's motion for
17 summary judgment from the record for failure to comply with the scheduling order. (Doc. 25.).
18 The court granted plaintiff forty-five days to file a motion for summary judgment which
19 complied with the requirements set forth in the scheduling order.

20 On August 31, 2006, plaintiff filed a motion for summary judgment, and on
21 September 5, 2006, plaintiff filed a request for oral argument on his motion for summary
22 judgment. The court has reviewed plaintiff's August 31, 2006 motion for summary judgment.
23 Plaintiff's motion is, at best, inartfully drafted. It appears, however, that plaintiff has satisfied
24 the requirements set forth in the scheduling order; he has provided a summary of the

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1 administrative proceedings, the relevant medical evidence, the Commissioner's findings, and he
2 argues that the Commissioner failed to properly consider all his symptoms in her finding that
3 plaintiff was not disabled.

4 Accordingly, IT IS ORDERED that:

5 1. The Commissioner shall file an opposition or cross-motion to plaintiff's
6 August 31, 2006 motion for summary judgment within 60 days of this order.

7 2. Plaintiff's request for oral argument is denied without prejudice.
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9 DATED: September 12, 2006.

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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